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CONCORD, N.H.

William A. Healy, Technical Secretary
New Hampshire Water Pollution Commission
State House Annex
Concord, New Hampshire

Dear Mr. Healy:

You have asked for the opinion of this office relative to whether the School District of the Town of Weare is entitled to a minimum period of two years for correcting the unauthorized discharge of sewage into the Piscataquog watershed. It is my understanding that this discharge was not in existence at the time of the classification of the said water.

Under the provisions of paragraph II of section 8 of RSA 149 it is my opinion that the two years requirement for the abatement of pollution refers to that pollution in existence at the time of the adoption of the classification. To so construe this paragraph as to require two years for the abatement of pollution which originates after a particular watershed is classified would appear to be unreasonable and not in accordance with the legislative intent.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

AEB, Jr./aml